

### **REMARKS**

Reconsideration of the Application in view of the above amendments and following remarks is respectfully requested.

#### **Status of the Claims**

Claims 1-37 were previously pending.

Claims 5, 7, 9-14, 17-27, 31, 33, 34, 36 and 37 were withdrawn from consideration.

Claims 1-4, 6, 8, 15, 16, 28-30, 32 and 35 were rejected.

Claims 1 and 29 have been amended. No new matter has been added by way of this amendment.

Claims 2, 5, 7, 8, 15-17 have been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 38-46 have been added. No new matter is added.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1-4, 6, 8, 15, 16, 28-30, 32 and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication JP 2001 192903 to Fujii et al. ("Fujii"). The Examiner states that Fujii discloses every feature of the claimed invention.

Claim 1 has now been amended to recite "wherein at least either one of the left thigh leg member or the right thigh leg member has the front thigh elastic band member extending from an outer upper portion to an inner lower portion of the left or right thigh leg member, respectively, and wherein the back thigh elastic band member extends from an inner upper portion to an outer lower

portion of each thigh leg member.” This is not disclosed by Fujii. In contrast, Figs. 22-24 of Fujii show an elastic member with two sections. The front section 1 extends from a lower area on the inside to a middle area on the outside. The back section 1a extends from the middle area on the outside to an upper area on the inside. The front section 1 and back section 1a are coextensive, i.e. the top of the front section is at the same location as the bottom of the back section. Thus, Fujii does not disclose a front elastic band extending from upper portion to a lower portion AND a back elastic band member extending from an upper portion to a lower portion, as recited in amended claim 1. Because Fujii does not teach each and every element of claim 1, it cannot anticipate claim 1 or any of its dependent claims 3, 4, 6, 28 and 32 and 35. Claims 2, 15 and 16 have been cancelled without prejudice. Reconsideration and withdrawal of the rejection is respectfully requested.

Similar to claim 1, claim 29 has now been amended to recite that “the thigh front side pressure portion extends from an outer upper portion to an inner lower portion” and “the thigh rear side pressure portion extends from an inner upper portion to an outer lower portion.” For similar reasons as those stated above with respect to claim 1, Fujii does not disclose a thigh front side pressure portion extending from an upper portion to a lower portion and a thigh rear side pressure portion extending from an upper portion to a lower portion, as recited in claim 29. Thus, claim 29 cannot be anticipated by Fujii. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 30 recites “a crus front side pressure portion” and “a crus rear side pressure portion.” The word crus is defined as “the part of the leg or hind limb between the femur or thigh and the ankle or tarsus” (Random House Unabridged Dictionary, copyright 2006). This definition is consistent with the use of the word crus in the specification, see paragraph [0042]. In contrast to

claim 30, the shorts shown in Fujii do not extend below the knee, and do not include a crus rear side pressure portion or a crus front side pressure portion as recited in the claim. Thus, Fujii cannot anticipate claim 30. Reconsideration and withdrawal of the rejection is respectfully requested.

### **New Claims**

New independent claim 38 recites a “first back thigh elastic band member extending obliquely from an upper back portion to a lower back portion of each thigh leg member, and a second back thigh elastic band member extending from an upper portion to a lower portion of said thigh leg member, such that the first and second back thigh elastic bands on said thigh member cross each other.” In contrast Fujii does not disclose two back elastic band members extending from an upper portion to a lower portion of a thigh leg member that cross each other, as recited in new claim 38. Therefore, Fujii cannot anticipate claim 38 or its dependent claims 39-45.

Similar to claim 38, new claim 46 recites “a thigh rear side pressure portion formed obliquely from above to below the rear side portion and a second thigh rear side pressure portion extending from an upper portion to a lower portion of said thigh leg member, such that the first and second thigh rear side pressure portions on said thigh member cross each other.” In contrast, Fujii does not disclose two rear side pressure portions extending from an upper portion to a lower portion that cross each other. Therefore Fujii cannot anticipate claim 46.

**CONCLUSION**

Each and every point raised in the Office Action dated April 12, 2007 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1, 3, 4, 6, 9-14 and 18-46 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below. In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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